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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/802,505	03/16/2004	Sherif Safwat	2195CON2	3671

7590

10/07/2005

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EXAMINER

ARK, DARREN W

ART UNIT

PAPER NUMBER

3643

DATE MAILED: 10/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/802,505	SAFWAT ET AL.	
	Examiner	Art Unit	
	Darren W. Ark	3643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 40-43, 45-57, 60-70 and 72-75 is/are pending in the application.
- 4a) Of the above claim(s) 60-66 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 40-43, 45-57, 67-70 and 72-75 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 July 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 10/012,799.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Priority

1. Applicant has not complied with one or more conditions for receiving the benefit of an earlier filing date under 35 U.S.C. 120 as follows:

The later-filed application must be an application for a patent for an invention which is also disclosed in the prior application (the parent or original nonprovisional application or provisional application); the disclosure of the invention in the parent application and in the later-filed application must be sufficient to comply with the requirements of the first paragraph of 35 U.S.C. 112. See *Transco Products, Inc. v. Performance Contracting, Inc.*, 38 F.3d 551, 32 USPQ2d 1077 (Fed. Cir. 1994).

2. This application repeats a substantial portion of prior Application No. 10/012,799, filed 11/03/2001, and adds disclosure and claims subject matter not presented in the prior application. Since this application names an inventor or inventors named in the prior application, it may constitute a continuation-in-part of the prior application. Should applicant desire to obtain the benefit of the filing date of the prior application, attention is directed to 35 U.S.C. 120 and 37 CFR 1.78.

3. The Examiner would like to indicate that MPEP 608.01(p), section A, sets forth that "An application for a patent when filed may incorporate 'essential material' by reference to (1) a U.S. patent, (2) a U.S. patent application publication or (3) a pending U.S. application... 'Essential material' is defined as that which is necessary to (1) describe the claimed invention, (2) providing an enabling disclosure of the claimed

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invention, or (3) describe the best mode...essential material may not be incorporated by reference to... (1) patents or applications published by foreign countries or a regional patent office... (4) a foreign application... Nonessential subject matter may be incorporated by reference to (1) patents or applications published by the United States or foreign countries... Nonessential subject matter is subject matter referred to for purposes of indicating the background of the invention or illustrating the state of the art... Mere reference to another application, patent, or publication is not an incorporation of anything therein into the application containing such reference for purpose of disclosure required by 35 U.S.C. 112, first paragraph."

4. The incorporation of essential material in the specification by reference to an unpublished U.S. application, foreign application or patent, or to a publication is improper. Applicant is required to amend the disclosure to include the material incorporated by reference, if the material is relied upon to overcome any objection, rejection, or other requirement imposed by the Office. The amendment must be accompanied by a statement executed by the applicant, or a practitioner representing the applicant, stating that the material being inserted is the material previously incorporated by reference and that the amendment contains no new matter. 37 CFR 1.57(f).

5. The attempt to incorporate subject matter into this application by reference to PCT International Patent Application Publication Number WO 97/13407 is ineffective because essential material may not be incorporated by reference to a foreign application.

Drawings

6. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “mechanical connection couples the first product strand forming the first mesh bar to a second product strand forming a second mesh bar of the at least one mesh cell, the mechanical connection including a clamp which encloses at least the slide-resistant, sheathed portion of the first product strand...” (see claims 40 and 67; no illustration occurs for the use of a clamp to secure portions of a trawl which include a first product strand with a core strand enclosed within a sheath and a second strand) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

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the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

7. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “mechanical connection...includes a first loop formed at an end of the first product strand, the first loop formed by two segments of the first product strand that are secured to each other by the clamp (see claims 43 & 70, no loop is being shown in the figures as being used with the clamp to secure a first product strand including a core strand enclosed within a sheath) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

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the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

8. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “an end of the second product strand forming the second mesh bar includes a second loop, and wherein the second loop passes through the first loop” (see claims 44 and 71, none of the figures show a second loop which is formed at an end of the second product strand forming the second mesh bar and which passes through the first loop) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

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the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

9. The drawings are objected to because new Figs. 30a-e do not properly represent the desired invention since they are totally new figures that have no relation to the original disclosure. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

10. The disclosure is objected to because of the following informalities: the "Detailed Description" or "Best Mode for Carrying Out the Invention" portion of the specification does not contain specific details with regard to a trawl comprising at least a portion of at least a first mesh bar including a first product strand having a core product strand enclosed by a sheath and a mechanical connection comprising a clamp which couples this first strand to a second product strand. It is not clear as to how this connection between the strands is made with the clamp. There are no descriptive details with regard to the structure of the clamp and how it operates. Also there are no descriptive details with regard to the first and second loops formed on the first product strand and second product strand.

Appropriate correction is required.

Response to Amendment

11. The amendment filed 7/27/2005 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: the five paragraphs describing Figs. 30a, 30b, 30c, 30d, and 30e under the section titled "Brief Description of the Drawings" and the paragraph describing in detail Figs. 30a-e under the section titled "Best Mode for Carrying Out the Invention".

Applicant is required to cancel the new matter in the reply to this Office Action.

Claim Rejections - 35 USC § 112

12. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

13. Claims 40-43, 45-57, 67-70, 72-75 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

In regard to claims 40 and 67, the specification and figures fail to disclose how the trawl comprising at least a first mesh bar including a first strand having a core strand enclosed within a sheath which is coupled to a second product strand using a mechanical connection in the form of a clamp. Also there are no details pertaining to the structure and manner of operation of the clamp.

In regard to claims 43 and 70, the specification and figures fail to disclose how the trawl comprising a mechanical connection using a loop is not being disclosed for use with the clamp to secure a first product strand including a core strand enclosed within a sheath. Also see claims 44 and 71 for a similar problem with regard to the term "a second loop".

Claim Rejections - 35 USC § 103

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claims 40-42, 54, 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matheson 4,466,331 in view of Brocker 1,552,269.

Matheson discloses a plurality of mesh cells (see Fig. 1), at least one of the mesh cells including a first product strand having a core product strand (14c) enclosed within a sheath (14a, 14b, 14n, 15) that resists sliding along the core product strand (by virtue of twisting about core strand); a mechanical connection coupling the first strand to the a second strand forming a second mesh bar, the connection including a knot (12), but does not disclose a mechanical connection including a clamp which encloses the sheathed portion of the first product strand. Brocker discloses the use of clamps (3, 4) to unite the threads of nets so that knots need not be formed and also for connecting thick thread which are not suitable for being knotted. It would have been obvious to a person of ordinary skill in the art at the time of the invention to substitute the clamps of Brocker for the knots of Matheson in order to provide means for uniting the mesh bars of the net without the need for tedious knotting to be done and also to accommodate large diameter or thick strands.

In regard to claim 41, Matheson discloses the sheath (14a, 14b, 14n, 15) including a plurality of product strands which both encircle (see Figs. 2-4) and have a

smaller diameter (see Figs. 2-4 wherein the filaments that make up strand 15 are smaller than 14c) than the core product strand.

16. Claims 40-42, 54, 55, 67-69, 72, 73 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Pat. No. 2000-262183 to Kumazawa in view of Brocker 1,552,269. (Note: The Examiner's applies the Kumazawa patent in light of Examiner's position that the present application is a continuation-in-part of prior application 10/012,799 and thus assumes a filing date of 3/16/04.)

Kumazawa discloses a trawl (1) with a plurality of mesh cells (see Figs. 1, 2), at least one of the mesh cells including a first product strand having a core product strand (2; core not being particularly claimed) enclosed within a sheath (3) that resists sliding along the core product strand (by virtue of twisting about core strand); a mechanical connection coupling the first strand to the a second strand forming a second mesh bar, there being an interconnection (see Figs. 1, 2), but does not disclose a mechanical connection including a clamp which encloses the sheathed portion of the first product strand. Brocker discloses the use of clamps (3, 4) to unite the threads of nets so that knots need not be formed and also for connecting thick thread which are not suitable for being knotted. It would have been obvious to a person of ordinary skill in the art at the time of the invention to substitute the clamps of Brocker for the connection of Kumazawa in order to provide means for uniting the mesh bars of the net which can accommodate large diameter or thick strands.

In regard to claims 41 and 68, Kumazwa discloses the sheath (3) including a plurality of product strands which both encircle (see Fig. 3) and have a smaller diameter

(see Fig. 3 wherein the filaments that make up strand 3 are smaller than 2) than the core product strand.

Response to Arguments

17. Applicant's arguments filed 7/27/2005 have been fully considered but they are not persuasive.

In regard to applicant's argument in Appendix I that the claimed subject matter of claims 40 and 67 of "a mechanical connection...including a clamp" which is being argued as supported by Fig. 20 and text on page 16, lines 22-24, the Examiner contends that Fig. 20 shows straps (284) not first or second product strands and Fig. 20 shows a shackle (312) and not a clamp as argued. There is no disclosure of the product strand of a mesh bar disclosed in Fig. 29 as being coupled to another product strand of another different mesh bar as argued.

In regard to applicant's argument that "five (5) new paragraphs being added to page 10 accommodate the addition of new drawing sheet 20...incorporation by reference of PCT International Patent Application Publication Number WO 97/13407...the addition of the new paragraph to page 12 of this patent application adds no new matter...", the Examiner contends that the addition of both the amendments to the specification and figures constitutes new matter since this disclosure was not originally present in this application or any of the parent applications. The Examiner feels that the addition of this new material is taken from another of applicant's patent applications, namely U.S. Pat. No. 6,374,531 whose disclosure is substantially different

from the present application although directed at the common subject matter of trawl systems and trawl nets. U.S. Pat. No. 6,374,531 claims priority to WO 97/13407 and provisional application no. 60/005,287 and no. 60/013,509 and no. 60/018,069, none of which this present application claims priority to any extent.

In regard to applicant's argument of claims 40-42, 54, and 55 that "Matheson in View of the Brocker Patent...fails to disclose or suggest a sheath...sheath 401 in FIG. 14...", the Examiner contends that Matheson generally discloses a sheath in the form of strands 14a-c and that applicant has failed to particularly claim the desired invention over the prior art of record so as to define the sheath more specifically in the claims.

In regard to applicant's argument of claims 40-42, 54, 55, 67-69, 72, and 73 that "Kumazawa Publication in View of the Brocker Patent...fails to disclose or suggest a sheath...sheath 401 in FIG. 14...", the Examiner contends that Kumazawa generally discloses a sheath in the form of strands 3 and that applicant has failed to particularly claim the desired invention over the prior art of record so as to define the sheath more specifically in the claims.

Conclusion

18. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not


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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Darren W. Ark whose telephone number is (571) 272-6885. The examiner can normally be reached on M-Th, 8:00am-6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Poon can be reached on (571) 272-6891. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Darren W. Ark
Primary Examiner
Art Unit 3643

DWA